INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District
FILE NUMBER: MVP-2006-5686-SLM
PROJECT MANAGER: Stacy Marshall
PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒   N ☐   Date:1/18/2007
                                            At the project site?   Y ☐   N ☐   Date:
PROJECT LOCATION INFORMATION:
        State: WI
        County: Milwaukee
        Center coordinates of site by latitude & longitude: 42.8652 -87.8492
        Approximate size of site/property (including uplands) in acres:92.55
        Name of waterway or watershed: Pike-Root watershed

Type of Aquatic Resource1:	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

1Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors1	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

1Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: **Preliminary**   ☒   **Or**   **Approved:**   ☐

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):   This parcel, located in the City of Oak Creek, is approximately 92.55 acres and was the site of a former industrial/manufacturing operation. Buildings were removed in the spring of 2006. Surrounding land use consists of mostly single family homes and active agricultural operations. The southern part of the site was utilized for the industrial/manufacturing operation. This portion of the site now consists of remnant asphalt/gravel parking lots and roads, upland, hardwoods and prairie, and wetlands. Much of this part of the property has been impacted over the years by the operation. The original soil profiles have been significantly altered and stormwater conveyance shannels and ponds have been constructed. The northern part of the site consists of fallow fields as well as active agricultural fields. This portion of the site was not impacted by the industrial operation. A wetland delineation submitted to the Waukesha office for review identified all or parts of thirteen wetland complexes on the parcel.

The wetland delineation identified the six wetlands with a surface area of approximately 1.123 acres on the 92.55 acre parcel. A review of the aerial photography, survey map, and the local topographic mapping available indicate that the subject wetlands lacks a surface water connection or adjacency to a water of the US and are therefore, isolated on the landscape. Connections between the six wetlands and interstate commerce were also considered but could not be identified. Therefore, the subject wetlands are isolated waterbodies that would not be subject to Corps Section 404 jurisdiction.

There are seven other wetlands on the property. This parcel lies to the west of Lake Michigan.